



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,003	08/01/2001	Mark Killmer	25720-702	5843

21971 7590 11/23/2004

WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 943041050

EXAMINER

ARTHUR JEANGLAUDE, GERTRUDE

ART UNIT PAPER NUMBER

2144

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/921,003

Applicant(s)

KILLMER, MARK

Examiner

Gertrude Arthur-Jeanglaude

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-33 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-4, drawn to a computer program product, classified in class 709, subclass 218.
- II. Claims 5-9 and 12, drawn to advertising in online environment, classified in class 705, subclass 402.
- III. Claims 10, 11, 13 and 14, drawn to comparative advertising, classified in class 705, subclass 400.
- IV. Claim 15 drawn to commercial transaction, classified in class 705, subclass 39.
- V. Claims 16 and 17, drawn to a message retrieval and transmission, classified in class 705, subclass 75.
- VI. Claims 18-23, drawn to computer usable with Internet browser for locating online site, classified in class 705, subclass 72.
- VII. Claims 24-33, drawn to transmogrifying content contained on a page, classified in class 370, subclass 390.

The inventions are distinct, each from the other because of the following reasons:

Inventions are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of

Art Unit: 2144

operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions because

Invention I lacks Invention II features:

Advertising subject matter (preamble)

Locality relating to user

Displaying only alternative sites in the same or proximate geographical locality

Invention I lacks Invention III features

Analyzing online site to identify products relating to competition of alternative sites

Informing the price of the product

Competing for the best price available

Invention I lacks Invention IV features

Transaction using user's financial information

Invention I lacks Invention V features

Sequentially attempting communication of one or more servers

Performing MX lookup to activate mail host IP

Incrementing and/or decrementing the hostname address

Invention I lacks Invention VI features

Use of non-ASCII codes

Intercepting messages

Analyzing strings

Comparing sites

Checking error messages for complaint

Invention I lacks Invention VII features

Assigning address points

Scanning page

Copying and locating starting and ending points

Transfer to a beneficiary site

Assigning steps for additional sub-tables

Combine sequence numbers and element types

Invention II lacks Invention I features

Compares URL, title and/or content of the site with index keywords

Location of the user

Category of the site with second index

Display alternate sites

Cross reference to determine alternate sites

Invention II lacks Invention III features

Analyzing online site to identify products relating to competition of alternative
sites

Informing the price of the product

Competing for the best price available

Invention II lacks Invention IV features

Transaction using user's financial information

Invention II lacks Invention V features

Sequentially attempting communication of one or more servers

Performing MX lookup to activate mail host IP

Incrementing and/or decrementing the hostname address

Invention II lacks Invention VI features

Use of non-ASCII codes

Intercepting messages

Analyzing strings

Comparing sites

Checking error messages for complaint

Invention II lacks Invention VII features

Assigning address points

Scanning page

Copying and locating starting and ending points

Transfer to a beneficiary site

Assigning steps for additional sub-tables

Combine sequence numbers and element types

Invention III lacks Invention I features

Compares URL, title and/or content of the site with index keywords

Location of the user

Category of the site with second index

Display alternate sites

Cross reference to determine alternate sites

Invention III lacks Invention II features:

Advertising subject matter (preamble)

Locality relating to user

Displaying only alternative sites in the same or proximate geographical locality

Invention III lacks Invention IV features

Transaction using user's financial information

Invention III lacks Invention V features

Sequentially attempting communication of one or more servers

Performing MX lookup to activate mail host IP

Incrementing and/or decrementing the hostname address

Invention III lacks Invention VI features

Use of non-ASCII codes

Intercepting messages

Analyzing strings

Comparing sites

Checking error messages for complaint

Invention III lacks Invention VII features

Assigning address points

Scanning page

Copying and locating starting and ending points

Transfer to a beneficiary site

Assigning steps for additional sub-tables

Combine sequence numbers and element types

Invention IV lacks Invention I features

Compares URL, title and/or content of the site with index keywords

Location of the user

Category of the site with second index

Display alternate sites

Cross reference to determine alternate sites

Invention IV lacks Invention II features:

Advertising subject matter (preamble)

Locality relating to user

Displaying only alternative sites in the same or proximate geographical locality

Invention IV lacks Invention III features

Analyzing online site to identify products relating to competition of alternative
sites

Informing the price of the product

Competing for the best price available

Invention IV lacks Invention V features

Sequentially attempting communication of one or more servers

Performing MX lookup to activate mail host IP

Incrementing and/or decrementing the hostname address

Invention IV lacks Invention VI features

Use of non-ASCII codes

Intercepting messages

Analyzing strings

Comparing sites

Checking error messages for complaint

Invention IV lacks Invention VII features

Assigning address points

Scanning page

Copying and locating starting and ending points

Transfer to a beneficiary site

Assigning steps for additional sub-tables

Combine sequence numbers and element types

Invention V lacks Invention II features:

Advertising subject matter (preamble)

Locality relating to user

Displaying only alternative sites in the same or proximate geographical locality

Invention V lacks Invention III features

Analyzing online site to identify products relating to competition of alternative
sites

Informing the price of the product

Competing for the best price available

Invention V lacks Invention IV features

Transaction using user's financial information

Invention V lacks Invention VI features

Use of non-ASCII codes

Intercepting messages

Analyzing strings

Comparing sites

Checking error messages for complaint

Invention V lacks Invention VII features

Assigning address points

Scanning page

Copying and locating starting and ending points

Transfer to a beneficiary site

Assigning steps for additional sub-tables

Combine sequence numbers and element types

Invention VI lacks Invention I features

Compares URL, title and/or content of the site with index keywords

Location of the user

Category of the site with second index

Display alternate sites

Invention VI lacks Invention II features:

Art Unit: 2144

Advertising subject matter (preamble)

Locality relating to user

Displaying only alternative sites in the same or proximate geographical locality

Invention VI lacks Invention III features

Analyzing online site to identify products relating to competition of alternative sites

Informing the price of the product

Competing for the best price available

Invention VI lacks Invention IV features

Transaction using user's financial information

Invention VI lacks Invention V features

Sequentially attempting communication of one or more servers

Performing MX lookup to activate mail host IP

Incrementing and/or decrementing the hostname address

Invention VI lacks Invention VII features

Assigning address points

Scanning page

Copying and locating starting and ending points

Transfer to a beneficiary site

Assigning steps for additional sub-tables

Combine sequence numbers and element types

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, III, IV, V, VI, VII, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

A telephone call was made to Willman George (Reg # 41,378) on November 17, 2004 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gertrude Arthur-Jeanglaude whose telephone number is (571) 272-6954. The examiner can normally be reached on Monday-Friday from 8:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on (571) 272-3925. The fax phone

Art Unit: 2144

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GAJ

GAJ
November 17, 2004

Gertrude A. Jeanglaude
GERTRUDE A. JEANGLAUDE
PRIMARY EXAMINER